

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SHIRLEY Z. LEE,

Plaintiff,

v.

COMPASS BANK,

Defendant.

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**CIVIL ACTION NO.
1:05-CV-717-A**

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. Rule 56, defendant Compass Bank moves for summary judgment on all claims contained in Plaintiff Shirley Lee's Complaint. In support of this motion, Compass Bank states as follows:

A. Record for Motion

This motion for summary judgment is supported by the pleadings and evidentiary submission filed in support of the motion for summary judgment.

B. Grounds for Motion

The motion for summary judgment is supported by the following grounds, which are addressed in detail in Compass Bank's brief in support of its motion for summary judgment:

1. Lee's discriminatory termination claim is due to be dismissed as a matter of law, because Lee cannot establish a *prima facie* case of discrimination, Compass has articulated legitimate, non-discriminatory reasons for Lee's termination, and there is no evidence of pretext or race discrimination.

2. Lee's discriminatory promotion claims cannot be maintained because they are barred by the applicable statute of limitations. Further, Lee cannot establish a *prima facie* case with respect to one of the promotions, and cannot establish that Compass Bank's legitimate, non-discriminatory reasons for its selection decisions are a pretext for race discrimination with respect to all of the challenged promotions.

3. Lee's discriminatory discipline claim cannot survive summary judgment because Lee cannot establish an adverse employment action, and there is no evidence of race discrimination with respect to all of the challenged promotions.

WHEREFORE, PREMISES CONSIDERED, Compass Bank moves this Court for an order granting its motion for summary judgment. In the event the Court declines to grant summary judgment on all claims subject to this motion, Compass Bank alternatively moves this Court to grant summary judgment on the claims the Court deems appropriate.

/s/ Douglas B. Kauffman
Attorney for Defendant Compass Bank

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon the following this the 26th of April, 2006:

Malcolm R. Newman
P. O. Box 6137
Dothan, Alabama 36302

/s/ Douglas B. Kauffman
Of Counsel